

**State of California**  
California Energy Commission  
Minutes of the September 22, 2015, Energy Commission Business Meeting

The meeting was called to order by Chair Robert B. Weisenmiller. The Pledge of Allegiance was led by Chair Weisenmiller.

**Present:**

Robert B. Weisenmiller, Chair

Karen Douglas, Commissioner

J. Andrew McAllister, Commissioner

David Hochschild, Commissioner

Janea A. Scott, Commissioner

**1. CARLSBAD ENERGY CENTER PROJECT AMENDMENTS (07-AFC-06C).**

a. Possible approval of an order granting or denying upon the petitions for reconsideration filed by Robert Simpson and Robert Sarvey on September 2, 2015. On July 30, 2015, the Commission approved proposed amendments which change the approved project from a 540 megawatt (MW) combined-cycle to a 632 MW simple-cycle power generation facility. The amended project would be located on the eastern portion of the existing Encina Power Station between Carlsbad Boulevard and Interstate-5, east of the railroad corridor and south of the Agua Hedionda Lagoon, in Carlsbad. Contact: Paul Kramer. (Staff presentation: 10 minutes)

*Following conclusion of the closed session (below), Paul Kramer read modifications to the proposed orders circulated at the start of the meeting. Commissioner Douglas moved and Commissioner McAllister seconded to adopt the Commission Order Denying Robert Sarvey's Petition for Reconsideration. The vote in favor of the motion was unanimous (5-0).*

*Commissioner Douglas moved to adopt the Commission Order Partially Granting Robert Simpson's submission titled Petition for Reconsideration and Motion to Reopen the Evidentiary Record and Restore My Intervention Rights, noting that the Commission is not deciding or rendering an opinion on whether California Department of Fish and Wildlife (CDFW) is an "interested agency" within the meaning of Commission Regulation 1749. Commissioner McAllister seconded the motion. The vote in favor of the motion was unanimous (5-0). The Commission directed staff to provide the PMPD and the final decision to CDFW by close of business Monday, September 28.*

b. Possible consideration of the Motion to Reissue Notice of Presiding Member's Proposed Decision (PMPD) and Reopen Evidentiary Record to Accept Revised Final Determination of Compliance (FDOC), filed by Rob Simpson on September 11, 2015. (Staff presentation: 10 minutes)

*Following conclusion of the closed session (below), Commissioner Douglas moved to deny Mr. Simpson's Motion to Reissue Notice of Presiding Member's Proposed Decision and Reopen the Evidentiary Record as untimely and Commissioner McAllister seconded. The vote in favor of the motion was unanimous (5-0.)*

c. Possible closed session deliberation on the above described petitions for reconsideration and motion. [Government Code Section 11126(c)(3)].

*Closed session began at 10:46 am and the open meeting reconvened at 12:27 pm. The Chair reported that deliberations were made, but no vote was taken during closed session.*

2. **Lead Commissioner or Presiding Member Reports.** The commissioners reported on their recent activities.
3. **Chief Counsel's Report:** None.
4. **Executive Director's Report.** Gave updates on budget items.
5. **Public Adviser's Report.** None.
6. **Public Comment:** Mr. Simpson.

Appearances:

(\*by telephone)

John McKinsey, Locke Lord, LLP

Jonathan Kendrick, Locke Lord, LLP

Robert Sarvey, Intervenor

\*Robert Simpson, Intervenor

\*Nicholas Horres, San Diego County Air Pollution Control District

\*Terry Stewart, California Department of Fish and Wildlife

There being no further business, the meeting was adjourned.

Respectfully submitted,



TIFFANI WINTER  
Secretariat

